

SENATE BILL 98

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SB 195/03 - JPR

2004 Regular Session  
4r0612  
CF 4r1703

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By: **Senators Kelley, Britt, Della, Exum, Gladden, Hafer, Hollinger, Hughes,  
Jones, Lawlah, and Middleton Middleton, Garagiola, Brochin,  
Forehand, and Jacobs**

Introduced and read first time: January 19, 2004  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted with floor amendments  
Read second time: February 11, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Family Law - Child Abuse and Neglect - Failure to Report - Penalty**

3 FOR the purpose of making it a misdemeanor, subject to a certain penalty, for certain  
4 health practitioners, police officers, educators, and human service workers to  
5 fail to provide certain notice or make a certain report of suspected child abuse or  
6 neglect under certain circumstances; altering certain time periods for making a  
7 report of suspected abuse or neglect; providing that this Act does not apply to a  
8 certain health care practitioner, police officer, educator, or human service  
9 worker who has reason to believe that a certain report of suspected child abuse  
10 or neglect has already been made; and generally relating to child abuse and  
11 neglect.

12 BY repealing and reenacting, with amendments,  
13 Article - Family Law  
14 Section 5-704  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Family Law**

2 5-704.

3 (a) Notwithstanding any other provision of law, including any law on  
4 privileged communications, each health practitioner, police officer, educator, or  
5 human service worker, acting in a professional capacity in this State:

6 (1) (i) who has reason to believe that a child has been subjected to  
7 abuse, shall, SUBJECT TO SUBSECTION (E) OF THIS SECTION, notify the local  
8 department or the appropriate law enforcement agency; or

9 (ii) who has reason to believe that a child has been subjected to  
10 neglect, shall, SUBJECT TO SUBSECTION (E) OF THIS SECTION, notify the local  
11 department; and

12 (2) if acting as a staff member of a hospital, public health agency, child  
13 care institution, juvenile detention center, school, or similar institution, shall,  
14 SUBJECT TO SUBSECTION (E) OF THIS SECTION, immediately notify and give all  
15 information required by this section to the head of the institution or the designee of  
16 the head.

17 (b) (1) An individual who notifies the appropriate authorities under  
18 subsection (a) of this section shall make:

19 (i) an oral report, by telephone or direct communication[, as soon  
20 as possible]:

21 1. to the local department or appropriate law enforcement  
22 agency if the person has reason to believe that the child has been subjected to abuse;  
23 or

24 2. to the local department if the person has reason to believe  
25 that the child has been subjected to neglect; and

26 (ii) a written report[:

27 1.] to the local department [not later than 48 hours after the  
28 contact, examination, attention, or treatment that caused the individual to believe  
29 that the child had been subjected to abuse or neglect; and

30 2.] with a copy to the local State's Attorney if the individual  
31 has reason to believe that the child has been subjected to abuse.

32 (2) (I) AN ORAL REPORT UNDER PARAGRAPH (1)(I) OF THIS  
33 SUBSECTION SHALL BE MADE AS SOON AS POSSIBLE, BUT NOT LATER THAN 24  
34 HOURS AFTER THE INDIVIDUAL, IN THE INDIVIDUAL'S PROFESSIONAL CAPACITY,  
35 FIRST HAS REASON TO BELIEVE THAT A CHILD HAS BEEN SUBJECTED TO ABUSE OR  
36 NEGLECT.

1 (II) A WRITTEN REPORT UNDER PARAGRAPH (1)(II) OF THIS  
2 SUBSECTION SHALL BE MADE NOT LATER THAN 48 HOURS AFTER THE INDIVIDUAL,  
3 IN THE INDIVIDUAL'S PROFESSIONAL CAPACITY, FIRST HAS REASON TO BELIEVE  
4 THAT A CHILD HAS BEEN SUBJECTED TO ABUSE OR NEGLECT.

5 [(2)] (3) (i) An agency to which an oral report of suspected abuse is  
6 made under paragraph (1) of this subsection shall immediately notify the other  
7 agency.

8 (ii) This paragraph does not prohibit a local department and an  
9 appropriate law enforcement agency from agreeing to cooperative arrangements.

10 (c) Insofar as is reasonably possible, an individual who makes a report under  
11 this section shall include in the report the following information:

12 (1) the name, age, and home address of the child;

13 (2) the name and home address of the child's parent or other person who  
14 is responsible for the child's care;

15 (3) the whereabouts of the child;

16 (4) the nature and extent of the abuse or neglect of the child, including  
17 any evidence or information available to the reporter concerning possible previous  
18 instances of abuse or neglect; and

19 (5) any other information that would help to determine:

20 (i) the cause of the suspected abuse or neglect; and

21 (ii) the identity of any individual responsible for the abuse or  
22 neglect.

23 (D) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE UNDER SUBSECTION (A)  
24 OF THIS SECTION OR MAKE A REPORT UNDER SUBSECTION (B) OF THIS SECTION AND  
25 WHO KNOWINGLY FAILS TO PROVIDE THE REQUIRED NOTICE OR MAKE THE  
26 REQUIRED REPORT IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT  
27 TO A FINE NOT EXCEEDING \$1,000.

28 (E) NOTHING IN THIS SECTION REQUIRES AN INDIVIDUAL DESCRIBED IN  
29 SUBSECTION (A) OF THIS SECTION TO PROVIDE NOTICE OR MAKE A REPORT OF  
30 ABUSE OR NEGLECT IF THE INDIVIDUAL HAS REASON TO BELIEVE THAT AN ORAL OR  
31 WRITTEN REPORT OF THE ABUSE OR NEGLECT HAS ALREADY BEEN MADE.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
33 effect October 1, 2004.

